

**BOARD OF APPEALS CASE NO. 5108**

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**BEFORE THE**

**APPLICANT: CAL270 LLC and Harford County  
Government**

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**ZONING HEARING EXAMINER**

**REQUEST: Interpretation to correct a mapping  
error; 1339 Belcamp Road, Belcamp**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 12/1/00 & 12/6/00**

**HEARING DATE: January 8, 2001**

**Record: 12/1/00 & 12/8/00**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, CAL270 LLC and Co-Applicant, Harford County Government, seek an interpretation, pursuant to Section 267-10D of the Harford County Code to correct a mapping error made during the 1997 Comprehensive Rezoning from R3/Urban Residential District to B3/General Business District.

The subject property is located at 1339 Belcamp Road, Aberdeen, Maryland 21017 and is more particularly identified on Tax Map 57, Grid 4E, Parcel 270. The parcel is currently shown on the zoning maps as R3/Urban Residential, however, they should be shown as B3/General Business District, the correct zoning as determined by the Harford County Council.

Mr. Anthony McClune testified on behalf of the Applicant and the Department of Planning and Zoning. Mr. McClune described the zoning history of the property as follows:

During the 1957 Comprehensive Review, the site was zoned A1/Agricultural. In 1982, the property was rezoned to R3/Urban Residential. In 1987, the then owners of the parcel, William and Shirley Gunter sought rezoning of the property to B3/General Business District (Board of Appeals Case 028) which was granted by the Board of Appeals on September 15, 1987. During the 1989 Comprehensive Rezoning, the zoning of the subject property remained B3/General Business. The property was not a specific issue during the 1997 Comprehensive Rezoning Review. The Department of Planning and Zoning reviewed all of the information in the Comprehensive Rezoning Files and found no request for rezoning of the subject parcel by the owner of the property, no such request by the Department of Planning and Zoning and no discussion of this property and any rezoning associated with it by the Harford County Council.

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The Department of Planning and Zoning feels strongly that this was a drafting error and supports approval of a mapping change to properly designate the parcel as B3/General Business District.

Mrs. Rhonda Ryan appeared in opposition to the request and indicated that she and her husband are the adjoining property owners. She and her husband purchased the subject property in 1993. The witness indicated that she and her husband have invested a lot of time and money in their property including the erection of a large barn. Mr. Richard Ryan appeared and testified that he checked the zoning maps prior to his purchase in 1992. He testified that he was told at that time that the subject property could not be built upon, although he could not recall to whom he spoke or the reason why the property could not be improved. Prior to making improvements to his property and at some unspecified time after the 1997 Comprehensive Rezoning process, the witness claimed he again checked the zoning maps and found that the property was zoned R3/Urban Residential. The witness also claimed to have consulted an attorney before deciding whether he would sell his property or improve it with the intent of staying on the property for some additional time. Both witnesses were very upset to find that, despite their due diligence in checking with the Department of Planning and Zoning, the information given to them and the information on maps approved by the County Council was erroneous.

Even though it seems clear to the Hearing Examiner that the Ryans were unintentionally mislead as to the current zoning status of the subject property, the subject property was correctly designated as B3/General Business District in 1993 at the time they purchased their property and, at a time when they admittedly checked the then current status of zoning on the subject parcel. There was, however, no evidence presented contradicting the conclusions of the Department of Planning and Zoning that the current map designation of this parcel is incorrect due to a drafting error.

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### **CONCLUSION:**

Section 267-10D provides:

**“Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.”**

The Hearing Examiner concludes that the current map designation of this property as R3/Urban Residential was a designation resulting from a map drafting error and recommends that the Department of Planning and Zoning be permitted to rectify the error in drafting which occurred during the Comprehensive Rezoning process.

Date     JANUARY 26, 2001

William F. Casey  
Zoning Hearing Examiner